

Legislative Update – 3/6/2015

HB 67 – Natural Resources – General Assembly - Mandated Reports by State Agencies

Speaker of the House (Hearing: 2/4 at 3 p.m.) Health and Government Operations

Repealing provisions of law that require State agencies to submit reports to the General Assembly that are deemed obsolete, duplicative, impractical, inefficient, or otherwise unnecessary, as specified; altering provisions of law that require State agencies to submit reports to the General Assembly, as specified; combining reporting requirements for programs with other more extensive annual reports required to be submitted by State agencies, as specified; etc.

HB 287 – Natural Resources – Aquaculture – Liability for Trespass

Delegate O'Donnell – (Hearing: 2/18 1:00 p.m. Favorable with Amendments report by committee 3/3. Third Reading passed 3/5.) Environment and Transportation

Establishing specified damages for which specified persons are liable for entering an area leased to another person for aquaculture purposes, without the written permission of the leaseholder, to harvest, damage, or transfer shellfish in any manner or to alter, damage, or remove any markings or equipment; and requiring a person who enters an area leased to another person for aquaculture purposes and engages in specified acts to display the written permission of the leaseholder on the request of a law enforcement officer.

HB 305 – Administrative Procedure Act – Limitation on Adoption of Regulations

Delegate Miller, et al. – (Hearing: 2/18 at 1:00 p.m.) - Health and Government Operations

Prohibiting a unit authorized by law to adopt regulations from adopting proposed regulations during the period beginning the day after a statewide general election for Governor and ending the day when the succeeding Governor takes office if the Governor serving in office on the day of the general election is not a candidate for the office or is defeated in the general election.

HB 419 – Natural Resources – Aquaculture Leases – Consideration of User Conflicts (Crossfiled with SB 709)

Delegates Jacobs – (Hearing: 3/6 at 1 p.m.) Environment and Transportation

Requiring the Department of Natural Resources to consider potential user conflicts, including navigation, recreation, and commercial fishing, in determining the location of

submerged land aquaculture leases in the Chesapeake Bay and water column aquaculture leases in the waters of the State; requiring the Department to mitigate and minimize the effects of the proposed location of specified aquaculture leasing areas on other users if the Department determines that conflicts exist; etc.

HB 583 – Open Meetings Act – Requirements for Providing Agendas

Delegates Krebs – (Hearing 3/11 at 1pm) Health and Government Operations

Requiring a public body to provide an agenda containing specified information if the agenda has been determined at the time a public body gives notice of the meeting or if an agenda has not been determined at the time of the meeting notice, the public body shall provide the agenda at least 24 hours before the meeting; providing that specified information does not need to be included in a specified agenda; and authorizing methods by which a public body may provide a specified agenda.

HB 638 – Natural Resources – Oysters – Shell Seeding, Shell Replenishment, and Rotational Harvest

Delegates Holmes and Frush – (Hearing: 3/4 at 1:00 p.m.) Environment and Transportation

Authorizing a person to use a power dredge to harvest oysters from any natural oyster bar in the State during a specified time period, subject to specified requirements and exceptions; authorizing the licensed oyster harvesters of each county to elect a county commercial oyster committee; requiring an oyster committee to develop and submit to the Department of Natural Resources a specified rotational harvest plan on or before August 1 of each year, beginning in 2021; etc.

HB 760 – Food Fish and Shellfish – Labeling and Identification Requirements (Maryland Seafood Authenticity Act) (Crossfiled with SB 557)

Delegate Luedtke – (Hearing: 3/11 at 1:00 p.m.) Environment and Transportation

Prohibiting a person from selling or offering for sale within the State specified food fish or shellfish unless the person identifies the species of food fish or shellfish in a specified manner; prohibiting a person from knowingly misidentifying the species of specified food fish or shellfish on a label, sign, or menu; prohibiting a person from knowingly selling or offering for sale within the State specified crab products identified as "blue crab" except under specified conditions; etc.

HB 785 – Recreational Fishing Licenses – Duration and Expiration Date (Crossfiled with SB 666)

Delegate Flanagan – (Hearing: 3/6 at 1:00 p.m.) Environment and Transportation

Altering the expiration date for and, under specified circumstances, the duration of specified recreational fishing licenses; requiring the Department of Natural Resources to establish by regulation a term for a specified recreational fishing license; requiring the Department to proportionally prorate the annual license fees for specified recreational fishing licenses; etc.

HB 815 – Income Tax Credit – Oyster Shell Recycling – Transfer of Credit (Crossfiled with SB 694)

Delegate Lafferty – (Hearing 3/10 at 1pm) Ways and Means

Authorizing an individual or a corporation to sell and transfer the verification required to claim a credit against the State income tax for each bushel of oyster shells recycled during the taxable year; requiring the Department of Natural Resources and the Comptroller to jointly adopt regulations to establish a process for the sale and transfer of the verification; applying the Act to taxable years beginning after December 31, 2014; etc.

HB 914 – Natural Resources – Nuisance Organisms – Reward for Information (Crossfiled with SB 322)

Delegate Frush – (Hearing: 3/6 1:00 pm) Environment and Transportation

Authorizing a judge to award a reward to a person providing information leading to a conviction for a violation of specified nuisance organism laws or regulations; requiring a specified reward to be paid from specified fine proceeds in an amount not to exceed a specified percentage of fines imposed; and prohibiting a reward from being awarded to a law enforcement officer or an employee of the Department of Natural Resources.

HB 939 – Proposed Regulations – Determination of Impact on Small Businesses (Crossfiled with SB 775)

Speaker of the House – (Hearing: 3/6 at 1:00 p.m.) Economic Matters

Establishing the Advisory Council on the Impact of Regulations on Small Businesses in the Department of Business and Economic Development; providing for the purpose, composition, chair, staffing, and meetings of the Advisory Council; prohibiting a member of the Advisory Council from receiving specified compensation, but authorizing the reimbursement of specified expenses; requiring the Advisory Council to take specified actions and make specified determinations about proposed regulations; etc.

HB 998 – Natural Resources – Striped Bass Permits – Annual Fees

Delegate Jacobs – (Hearing: 3/6 at 1:00 p.m.) Environment and Transportation

Altering the annual fee for the commercial striped bass permit; and providing for the termination of the Act.

HB 1002 – Natural Resources – County Oyster Committees – Authority

Delegate Jacobs – (Hearing: 3/6 at 1:00 p.m.) Environment and Transportation

Authorizing a county oyster committee to use funds that the committee receives from the Department of Natural Resources or any other source to purchase oyster shells, seed oysters, or spat-on-shell for use on the public oyster fishery.

HB 1005 – Natural Resources – Commercial Fisheries Offenses – Stay of Revocation

Delegate Mautz – (Hearing: 3/6 at 1:00 p.m.) Environment and Transportation

Requiring a presiding officer after a specified administrative finding on specified commercial fisheries offenses related to oysters, crabs, or striped bass to stay a license revocation pending conviction for the offense, unless the presiding officer finds or concludes that the licensee wantonly or willfully committed the offense.

HB 1036 – Natural Resources – Oyster Poaching – Administrative Penalties (Crossfiled with SB 696)

Delegate Jacobs – (Hearing: 3/6 at 1:00 p.m.) Environment and Transportation

Altering the administrative penalties that apply to a person for knowingly committing specified offenses related to oyster poaching by authorizing the Department of Natural Resources to suspend the person's oyster license for a first offense; and clarifying that any of specified oyster poaching offenses qualifies as a second or subsequent offense for specified purposes under specified circumstances.

HB 1174 – Kent County – Fisheries – Use of Haul Seines

Delegate Jacobs, et al. – (Hearing: not yet set) Rules and Executive Nominations Committee

Authorizing in Kent County a person to catch gizzard shad, also known as mud shad, under specified circumstances with a haul seine during the period from Friday midnight until sunrise on Monday; and requiring the Department of Natural Resources to adopt specified regulations.

SB 83 – Natural Resources – Vibrio Notice Regulations

Sen. Simonaire – Favorable Report Adopted, Second Reading Passed, Third Reading Passed, First Reading in House on 2/20 - Education, Health, and Environmental Affairs

Establishing the Recreational Incentives Pilot Program in the Department of Natural Resources; stating that the purpose of the pilot program is to determine whether incentive discounts offered to specified individuals increase the purchase of recreational hunting and fishing licenses; requiring the Department to develop a plan to implement the pilot program, subject to requirements and restrictions; requiring the Department to implement the pilot program in accordance with the developed plan; etc.

SB 220 – General Assembly - Mandated Reports by State Agencies (Crossfiled with HB 67)

President of the Senate – Favorable Report with Amendments by Senate Rules Committee 2/19. Third Reading passed 2/25. First Reading in House Health and Government Operations Committee 2/26.

Repealing provisions of law that require State agencies to submit reports to the General Assembly that are deemed obsolete, duplicative, impractical, inefficient, or otherwise unnecessary, as specified; altering provisions of law that require State agencies to submit reports to the General Assembly, as specified; combining reporting requirements for programs with other more extensive annual reports required to be submitted by State agencies, as specified; etc.

SB 322 – Natural Resources – Nuisance Organisms – Reward for Information (Crossfiled with HB 914)

Senator Middleton – (Hearing: 2/24 at 1:00 p.m.) Education, Health and Environmental Affairs

Authorizing a judge to award a reward to a person providing information leading to a conviction for a violation of specified nuisance organism laws or regulations; requiring a specified reward to be paid from specified fine proceeds in an amount not to exceed a specified percentage of fines imposed; and prohibiting a reward from being awarded to a law enforcement officer or an employee of the Department of Natural Resources.

SB 557 – Food Fish and Shellfish – Labeling and Identification Requirements (Maryland Seafood Authenticity Act) (Crossfiled with HB 760) **WITHDRAWN**

Senator Guzzone – (Unfavorable Report 2/19) Education, Health, and Environmental Affairs

Prohibiting a person from selling or offering for sale within the State specified food fish or shellfish unless the person identifies the species of food fish or shellfish in a specified

manner; prohibiting a person from knowingly misidentifying the species of specified food fish or shellfish on a label, sign, or menu; prohibiting a person from knowingly selling or offering for sale within the State specified crab products identified as "blue crab" except under specified conditions; etc.

SB 666 – Recreational Fish Licenses – Duration and Expiration Date (Crossfiled with HB 785)

Senator Bates and Salling – (Hearing: 3/10 at 1:00 p.m.) Education, Health, and Environmental Affairs

Altering the expiration date for and, under specified circumstances, the duration of specified recreational fishing licenses; requiring the Department of Natural Resources to determine the duration of and effective dates for a specified recreational fishing license; and requiring the Department to proportionally prorate the annual license fees for specified recreational fishing licenses.

SB 694 – Income Tax Credit – Oyster Shell Recycling – Transfer of Credit (Crossfiled with HB 815)

Senator Manno – (Hearing: 2/25 at 1:00 p.m.) Budget and Taxation

Authorizing an individual or a corporation to sell and transfer the verification required to claim a credit against the State income tax for each bushel of oyster shells recycled during the taxable year; requiring the Department of Natural Resources and the Comptroller to jointly adopt regulations to establish a process for the sale and transfer of the verification; applying the Act to taxable years beginning after December 31, 2014; etc.

SB 696 – Natural Resources – Oyster Poaching – Administrative Penalties (Crossfiled with HB 1036)

Senator Hershey – (Hearing: 3/10 at 1:00 p.m.) Education, health, and Environmental Affairs

Altering the administrative penalties that apply to a person for knowingly committing specified offenses related to oyster poaching by authorizing the Department of Natural Resources to suspend the person's oyster license for a first offense; and clarifying that any of specified oyster poaching offenses qualifies as a second or subsequent offense for specified purposes under specified circumstances.

SB 709 – Natural Resources – Aquaculture Leases – Consideration of User Conflicts (Crossfiled with HB 419)

Senator Conway – (Hearing 3/17 at 1pm) Education, Health and Environmental Affairs

Requiring the Department of Natural Resources to consider potential user conflicts, including navigation, recreation, and commercial fishing, in determining the location of submerged land aquaculture leases in the Chesapeake Bay and water column aquaculture leases in the waters of the State; requiring the Department to mitigate and minimize the effects of the proposed location of specified aquaculture leasing areas on other users if the Department determines that conflicts exist; etc.

SB 775 – Proposed Regulations – Determination of Impact on Small Businesses (Crossfiled with HB 939)

President of the Senate – (Hearing 3/9 at 2pm) Finance

Establishing the Advisory Council on the Impact of Regulations on Small Businesses in the Department of Business and Economic Development; providing for the purpose, composition, chair, staffing, and meetings of the Advisory Council; prohibiting a member of the Advisory Council from receiving specified compensation, but authorizing the reimbursement of specified expenses; requiring the Advisory Council to take specified actions and make specified determinations about proposed regulations; etc.

SB 808 – Natural Resources – Aquaculture – Liability for Trespass (Crossfiled with HB 287)

Senators Klausmeier, et al. – (Hearing Not Yet Set) Education, Health, and Environmental Affairs

Establishing specified damages for which specified persons are liable for entering an area leased to another person for aquaculture purposes to harvest, damage, or transfer shellfish or to alter, damage, or remove any markings or equipment; requiring a person who enters an area leased to another person for aquaculture purposes and engages in specified acts to display specified documentation on the request of a law enforcement officer; providing for the application of specified provisions of the Act; etc.

SB 858 – Creation of a State Debt – Talbot County – Phillips Wharf Aquaculture Job Training Center

Senator Eckardt– (Hearing: 3/14 at 1:00 p.m.) Budget and Taxation

Authorizing the creation of a State Debt not to exceed \$250,000, the proceeds to be used as a grant to the Board of Directors of the Phillips Wharf Environmental Center, Inc. for the acquisition, planning, design, construction, repair, renovation, reconstruction, and capital equipping of the Phillips Wharf Aquaculture Job Training Center, located in Talbot County; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; etc.